

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **James Ellis Payne**

Case Number: **2:14CR00185**

Name of Sentencing Judicial Officer: **Honorable Lloyd D. George**

Date of Original Sentence: **June 11, 2015**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **70 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **June 30, 2020**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware II**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Commit Another Crime** - You must not commit another federal, state or local crime.

On May 11, 2021, a felony arrest warrant was issued for James Payne for Felon in Possession of a Firearm in violation of N.R.S. 202.360.1a. According to the affidavit, Payne was found to be in possession of a firearm during a party at his residence on December 31, 2020.

RE: James Ellis Payne

Prob12C
D/NV Form
Rev. March 2017

2. **Substance Abuse Treatment** - You shall participate in and successfully complete a substance abuse treatment and/or cognitive based life skills program, which will include drug/alcohol testing and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in substance abuse treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

On April 14, 2021, Payne failed to report for his substance abuse/mental health assessment at Bridge Counseling.

3. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

Payne failed to report for drug testing on the following dates;

- a) April 19, 2021
- b) May 14, 2021

4. **Contact with Probation Officer** - You are directed to contact Probation Officer McCarroll or Probation Officer Phillips, twice weekly: Tuesday and Thursday at 9:00 AM or as directed by the probation officer.

Payne failed to contact the probation officer on the following dates;

- a) March 2, 2021
- b) March 4, 2021
- c) March 13, 2021
- d) March 18, 2021
- e) March 23, 2021
- f) May 13, 2021
- g) May 18, 2021

RE: James Ellis Payne

Prob12C
D/NV Form
Rev. March 2017

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **May 18, 2021**

Digitally signed
by Cecil B



McCarroll III

Date: 2021.05.20

16:53:38 -07'00'

Cecil B. McCarroll III
United States Probation Officer

Approved:

Digitally signed by Brian
Blevins



Date: 2021.05.20 16:44:18
-07'00'

Brian Blevins
Supervisory United States Probation Officer

THE COURT ORDERS (AMENDED)

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:



RICHARD F. BOULWARE, II
United States District Judge

June 8, 2021

Date

RE: James Ellis Payne

Prob12C
D/NV Form
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. JAMES ELLIS PAYNE, 2:14CR00185**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
May 18, 2021**

On February 11, 2021, the Probation Office filed a petition in support of a Summons alleging Payne violated conditions of his supervised released. Payne appeared before Your Honor on February 25, 2021 for his Initial Appearance and was released with additional conditions. Since that date, Payne has incurred additional violations.

On February 23, 2021, the Probation Office filed an Addendum alleging that during a house party at his residence on December 31, 2020, Payne was found by police to be in possession of a firearm. Detectives with the Las Vegas Metropolitan Police Department submitted a request for a warrant and it was issued on May 11, 2021. According to the police report, evidence obtained by Metro Detectives confirms Payne was in possession of a firearm during the afore mentioned party.

On February 25, 2021, during his Initial Appearance before Your Honor, Payne was ordered to contact the probation officer every Tuesday and Thursday at 9:00 am. Since that time, Payne has failed to maintain regular contact with the probation officer as instructed. The undersigned has addressed this with Payne on multiple occasions reminding him that he needs to report as the Court instructed, but Payne continues to ignore those reminders.

On April 14, 2021, Payne failed to report for his treatment assessment. The undersigned did contact Payne to address this missed appointment and he stated that he forgot. Payne also missed two (2) scheduled drug tests and both times the undersigned addressed these misses with him only to have Payne state that he forgot.

As such, the undersigned respectfully requests that a warrant be issued to initiate revocation proceedings.

Respectfully submitted,

Digitally signed by



Cecil B McCarroll III

Date: 2021.05.20

16:55:11 -07'00'

Cecil B. McCarroll III

United States Probation Officer

RE: James Ellis Payne

Prob12C
D/NV Form
Rev. March 2017

Approved:

A handwritten signature in black ink that reads "Brian Blevins". The signature is written in a cursive style with a large, stylized "B" and "B".

Digitally signed by Brian
Blevins
Date: 2021.05.20
16:44:49 -07'00'

Brian Blevins
Supervisory United States Probation Officer